



Assumed Roles and Duties of Certified Access Specialists

Staff Report 1.1

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Issue

This report presents the workaround solution to address a shortcoming in Senate Bill 262. Addressing this omission is fundamental to the work of the Implementation Committee, and in fact, must be resolved as the committee's first matter of business. The legislation provides a functional mandate for establishing a program to certify access specialists, but does not specify any roles or professional duties for those certified. The omission may, in fact, be intentional, in that it allows broad flexibility in incorporating certified specialists into the professional activities of disability access.

On the other hand, the lack of stated roles and duties for access specialist presents the committee with a logical dilemma: how should it proceed to recommend certification criteria when it lacks the professional basis for its deliberations? For example, the issues scheduled for committee consideration at its second meeting are (1) certification classifications corresponding to distinct professional activities, which require different sets of skills; and (2) performance standards for each classification.

Alternatives

Staff has assembled a compendium of documents on the subject of professional certification, including the regulations of similar certification programs, legal issues in certification, and especially a document titled *Guidelines for Engineering and Related Specialty Certification Programs*¹. General Guideline 1a states:

Have as a primary purpose the evaluation of individuals who practice in specialized fields and the issuance of credentials to those individuals who meet the required level of knowledge and competence.

Application of this concept would effectively sidestep the dilemma of unstated roles and duties, concentrating instead on developing one set of general certification criteria. The success of the program would then heavily rely on how well specialists *collectively* perform in addressing the *combined range* of all problems encountered by their colleagues, in addition to the expectations of their clientele.

¹ Council of Engineering and Scientific Specialty Boards. Annapolis, MD

Recommendations

Staff feels that both the diverse skill sets envisioned in the professional practice of access specialists, combined with the robust variety of qualifying professional experience of candidates for certification, compels the committee to designate several roles and related duties of certified access specialists. These findings become *stated assumptions* used by the committee in its work, as distinguished from its *recommendations* for criteria, which are based on the *assumed roles and duties* of certified access specialists.

There are two passages in Senate Bill 262 which reveal several roles that may have been anticipated by the authors of the legislation:

- 1) Section 2 prescribes the determination of criteria for certification “in order to be a certified access specialist, which may include knowledge sufficient to review, inspect or advocate universal design requirements...”
- 2) Section 4 discusses the review of the records by an access specialist, including “...design outlines and plans, and files used in building inspection and plan review...”

Straightforward analysis of these two passages yields three likely types of professional involvement for specialists in the future:

- 1) Preparation and/or review of accessibility requirements in construction drawings;
- 2) Inspection either during or after construction of accessible features; and
- 3) A variety of activities which advocate disabled rights, including but not limited to: investigation and mediation of alleged denials of access, preparation of facility surveys, self-evaluations and transition plans, and the monitoring of corrective work specified in stipulated judgments.

The *assumed roles and duties* of certified access specialists must be defined within parameters that best ensure they will actually occur. In particular, assumed roles and duties must not rely on invoking any changes in the regulation of existing governmental procedures. As a general example, a specialist could improve or facilitate a procedure by professionally assisting someone, provided the assistance does not alter the legal obligations of those currently involved. As a further counter-example, a scenario in which specialists issue citations in the future for disability violations is not valid, since the concept would rely on additional regulations to empower the specialist to write citations.

Staff advises that the Implementation Committee’s consensus on the assumed roles and duties of certified access specialists be officially recorded as a stated assumption of the committee, before considering any criteria for certification of access specialists.